

United States District Court

Western District of Michigan

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

-vs-

Case Number: 1:08-CR-242-02

JAY VERNON MERKLE

USM Number: 13938-040

David A. Nacht
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to Counts 1, 3, and 23 of the Indictment.
- ☐ pleaded nolo contendere to Count(s) ____, which was accepted by the court.
- ☐ was found guilty on Count(s) ____ after a plea of not guilty.

The defendant is adjudicated guilty of these offense(s):

<u>Title & Section</u>	<u>Offense Ended</u>	<u>Count No.</u>
18 U.S.C. § 371, 1341, 1343, and 15 U.S.C. 78j(b)	September 30, 2008	1
15 U.S.C. § 78j(b)	September 30, 2008	3
18 U.S.C. § 1343	September 30, 2008	23

Nature of Offense

-Conspiracy to Commit Securities Fraud, Wire Fraud, and Mail Fraud
-Securities Fraud
-Wire Fraud

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ Counts 2, 4 - 22, and 24 - 45 are dismissed on the motion of the United States.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Date of Imposition of Sentence: December 23, 2009

DATED: December 23, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 2

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **sixty (60) months as to Count 1 and 121 months as to each of Counts 3 and 23, all counts to run concurrently.**

[x] The Court makes the following recommendations to the Bureau of Prisons:

- That the defendant be placed as close as possible to his family in Central, Michigan.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The Defendant shall surrender to the United States Marshal for this district:

☐ At _____ on _____.

☐ As notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ Before 2:00 P.M. on _____.

☐ As notified by the United States Marshal.

☐ As notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ To _____

At _____, with a certified copy of this judgment.

United States Marshal

By: _____
Deputy U.S. Marshal

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **three (3) years as to Count 1 and five (5) years as to Counts 3 and 23, to run concurrently.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense.
- ☐ The defendant shall participate in an approved program for domestic violence.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer at least ten (10) days prior to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13.
14. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 4

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 5

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not apply for, nor enter into, any loan or other credit transaction without the approval of the probation officer.
2. The defendant must be lawfully employed.
3. The defendant shall not use or have authority over other people's money without permission of the probation officer.
4. The defendant shall perform 500 hours of community service at the direction of the probation officer.

CRIMINAL MONETARY PENALTIES¹

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on the following pages.

Assessment**\$300.00****Fine****-0-****Restitution****\$21,583,148.44**

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Victim Name	Restitution	Victim Name	Restitution
Adamo, Angelo	\$5,000.00	Laylock, Richard/Elaine	\$50,000.00
Allen, Carol J.	\$5,000.00	Lazet, John/Laura	\$49,001.18
Allen, Deborah Eldredge, David	\$375,000.00	Leo, Leonard	\$46,100.00
Allen, Hubert L.	\$15,000.00	Leszcz, Daniel	\$5,822.38
Ault, Michael	\$20,000.00	Letters, Frank/Heather	\$4,000.00
Austin, Richard	\$70,135.44	Levesque, Monique	\$41,673.38
Baer, Cynthia	\$21,250.00	Lilleboe, Polly	\$110,140.00
Baer, James/Ruth	\$10,000.00	Lithander, Susan & Dennis	\$139,469.64
Ballard, David	\$172,500.00	Lott, James/Diane	\$24,250.00
Barker, Fances	\$24,949.53	Luc, Mui	\$37,958.19

¹ Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 7

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

Victim Name	Restitution	Victim Name	Restitution
Barker, Michael	\$29,949.53	Lutz, Connie	\$80,000.00
Barnhardt, Terry	\$25,000.00	Maat, Dennis	\$150,000.00
Barnum, Steven	\$50,000.00	Malvich, Scott	\$100,000.00
Barrett, David/Christa	\$90,400.00	John Markoul Living Trust	\$153,772.85
Barry, Michael	\$11,568.34	Massey, Brian/Elizabeth	\$114,635.11
Barry, Patrick	\$282,545.58	Massey, Michael	\$75,400.00
Baxley, Randy	\$40,000.00	Massey, Renee	\$177,164.24
Beach, Geraldine	\$17,459.11	Massey, William/Rose	\$78,000.00
Beach, Richard	\$49,883.16	Matice, Lois	\$22,578.25
Beck, Kristan	\$2,000.00	McDermott, Rick	\$5,000.00
Beeck, Charles, Jr.	\$83,000.00	McGill, Ruth	\$25,118.81
Belasco, Sandor	\$17,638.22	Ruth McIntosh Family Trust	\$47,165.00
Bensinger, Warren	\$85,000.00	Ruth McIntosh Marital Trust	\$57,572.93
Berry, Roger D.	\$25,000.00	McPhail, Elizabeth	\$41,463.48
Bertram, Michael	\$27,983.24	Merkle, Andrew	\$2,000.00
Berube, John R.	\$5,000.00	Merkle, Daniel	\$7,000.00
Bica, Jerome/Joyce	\$9,700.00	Merkle, David/Barbara	\$14,463.44
Bica, William	\$25,000.00	Merkle, Harold/Janet	\$20,000.00
Birk, Christopher	\$100,000.00	Merkle, Jonathan	\$1,002.00

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 8

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

Victim Name	Restitution	Victim Name	Restitution
Blonde, Bruce/Sandra	\$28,000.00	Merkle, Jordan	\$1,122.00
Bobier, Judy	\$147,766.33	Merkle, Kevin/Brenda	\$117,900.00
Boczar, Roxanne/Jeff	\$567,914.85	Merkle, Kylie	\$1,000.00
Bond, Robert	\$271,536.00	Merkle, Paul/John	\$39,200.00
Bowersox, Wayne	\$2,000.00	Merkle, Van	\$89,497.85
Bossart, Ralph	\$10,000.00	Mikan, Margo	\$25,160.00
Bozzo, Paul	\$49,899.04	Miller, Harold/Fern	\$32,341.60
Brown, Kathleen	\$5,000.00	Miller, Kathleen	\$44,380.00
Brown, Richard	\$30,915.00	Miller, Robert	\$18,532.93
Brown, William	\$45,453.36	Minich, Alice	\$4,600.00
Bruder, Clifford/Barbara	\$20,000.00	Minich, Thomas	\$68,456.32
Bruno, Salvatore	\$25,000.00	Mower, Donald/Joan	\$5,000.00
Buckmaster, Lee	\$25,000.00	Moyer, Edward/Neil	\$42,000.00
Buratti, Aldo/Lena	\$25,000.00	Nellis, John	\$168,167.63
Burk, Charlene	\$4,900.00	Noel, Robert/Diana	\$21,256.00
Burkett, Dan/Jacqueline	\$80,000.00	Noffsinger, Christopher	\$24,941.58
Burkett, Denise Burkett Family Trust	\$40,000.00	Nunley, David	\$25,000.00
Cabe, Kevin/Laura	\$2,640.44	Nunley, Steve/Donna	\$11,101.16

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 9

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

Victim Name	Restitution	Victim Name	Restitution
Calcott, Diane	\$24,642.59	Nystrom, Allen	\$17,397.41
Calcott, John/Diane	\$291,495.37	Nystrom, Edward	\$10,779.83
Carlough, Sheldon The Germain Group	\$50,000.00	O'Dell, Jack TCA	\$31,960.00
Chapman, Rodney	\$7,500.00	O'Dell, Karen TCA	\$900.00
Chapman, James	\$253.81	Okamoto, Scott	\$71,000.00
Clark, Kelly Jo & Michael	\$33,836.81	Helga Orkee Trust	\$5,000.00
Clark, Richard	\$4,000.00	Parks, Daniel	\$100,000.00
Clark, Tim	\$29,941.58	Parish, Jason/Tammy	\$21,550.00
Compton, Albert	\$29,941.58	Pemberton, John	\$150,000.00
Compton, Matthew	\$48,114.84	Penfold, Jacob/Virginia	\$40,000.00
Conner, Maureen	\$4,000.00	Peplinski, John/Arlene	\$50,000.00
Conti, Camillo/Livia	\$44,200.00	Perkins, Carol	\$5,000.00
Conti, Diana	\$5,000.00	Poma, Joseph/Joyce	\$70,000.00
Conti, Antonio	\$32,000.00	Pompey, Sandra	\$36,654.57
Conti, Valeria	\$5,000.00	Poole, Brian	\$4,000.00
Copeland, Lawrence	\$10,000.00	Post, Gary/Susanna	\$264,527.71
Coppess, Jodi	\$13,566.09	Prentice, Thomas	\$25,000.00
Coppess, Ronald	\$244,800.00	Prescott, Merton	\$29,839.03

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 10

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

Victim Name	Restitution	Victim Name	Restitution
Coselman, Heather	\$25,239.80	Price, R. Larry/Carol Cooper	\$14,700.00
Costello, Darwin	\$25,000.00	Pryor, Eric/Cheryl	\$5,000.00
Craft, Richard/Annette	\$25,000.00	Quatro, Arthur	\$40,902.87
Cravero, Francisco	\$28,000.00	Rager, Gary	\$22,696.45
Cullen, Vicki	\$32,000.00	Rager, Lloyd	\$83,301.99
Cunningham, Ben	\$80,000.00	Rainco Opp. LLC	\$805,069.00
Dalman, Bruce	\$24,727.47	Raines, Josephine	\$33,102.61
David, Susan	\$73,570.54	Raines, Thomas	\$203,856.71
Davis, Chad	\$40,000.00	Rainey Family Trust	\$75,000.00
DePue-Dodson, Luann	\$50,000.00	Ramon Jr., Joe	\$24,949.52
Dickman, Morene	\$4,507.41	Ramon, Pedro	\$24,949.53
Dixson, Danna	\$25,284.99	Rarog, John	\$54,257.76
Dixson, Peggy	\$58,320.59	Rarog, Kathleen	\$11,820.21
Doerr, Richard	\$39,919.24	Redford, Janet	\$24,941.59
Dorgan, Lonnie	\$25,000.00	Reeves, Linda	\$158,423.45
Drake, Ethel	\$21,760.00	Reid, Sharon	\$139,565.75
Durkee, Dwayne/Jo	\$50,010.00	Ricker, Brian	\$24,949.53
Dupuis, Tristan	\$25,000.00	Roberts, Wanda	\$50,363.29
Easley, James	\$24,939.73	Rockafellow, Bonnie	\$5,929.10

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 11

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

Victim Name	Restitution	Victim Name	Restitution
Edmonds, Kristina	\$1,500.00	Rockafellow, Michael	\$42,825.06
Egeler, Jenny	\$24,182.50	Rockafellow, Reuel	\$113,680.23
Evans, James/Mildred	\$12,000.00	Rogerson, Brenda	\$32,000.00
Fales, Donald/Ardith	\$1,272.00	Rowe, Gary/Terri	\$72,508.21
Falsetta, Rose	\$142,000.00	Rowe, Terri	\$22,315.56
Feipel, Kelly	\$2,500.00	Rozell, Fred/Sharon	\$245,005.80
Feldkamp, Marvin/Gertrude	\$1,500.00	Rozell, James	\$50,800.00
Ferrell, Randall	\$74,001.16	Rozell, Steven	\$35,000.00
Fighter, Philip/Georgia	\$75,000.00	Rucco, Joseph	\$24,941.58
Finnigan, Brent	\$4,200.00	Rupp, Jack	\$49,001.17
Fisher Revocable Living Trust	\$75,000.00	Ryan, Thomas	\$10,000.00
Fisher, Donald & Gail	\$75,000.00	Saylor, Tammy/Randy	\$79,200.00
Fisher TCA, Donald	\$24,941.60	Alathea Schetter Revocable Living Trust	\$24,191.58
Fisher TCA, Gail	\$24,941.59	Schlechty, Charles/Diana	\$2,500.00
Fisher, Jay	\$50,000.00	Schneeberger, Cole	\$7,000.00
Flaster, Madeline	\$14,860.00	Schroeder, Thomas	\$25,000.00
Flaster, Stephen	\$11,262.48	Schumm, Dennis	\$101,844.55
Flessner, Eldon	\$250,000.00	Sedlarik, Frank	\$119,700.00

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 12

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

Victim Name	Restitution	Victim Name	Restitution
Flower, Jason	\$42,000.00	Sielby, Frank	\$10,000.00
Foerch, Craig	\$73,158.60	Shaheen, James	\$50,000.00
Folse, Roy Jr.	\$25,000.00	Shank, Ernest	\$48,878.15
Foresberg, Dennis	\$25,000.00	Shaw, Alex	\$6,000.00
Forsberg Family LLC	\$24,941.59	Shelton, Gary	\$70,000.00
Franks, Robert/Pamela	\$224,841.83	Shih, A-Mei	\$50,000.00
Franks, Robert	\$24,941.58	Shirey, Cindy Jo	\$10,350.00
Freburg, Stanley/Bargaretta	\$145,200.00	Shirey, Keith/Cindy Jo	\$10,314.26
Friedman, Dr. Loretta	\$25,000.00	Sigman, Linda	\$50,000.00
Fronkel, Melony	\$4,000.00	Sigulinsky, John	\$35,000.00
Futrell, Paige	\$100,000.00	Silecchia, Andrea	\$103,586.95
Gallaway, Doris	\$49,000.16	Silecchia, Grace	\$16,198.56
Gallaway, Joe/Brenda	\$98,002.32	Sillman, Vern	\$22,664.50
Gallaway, Terry	\$2,500.00	Skutt, Timothy	\$4,900.00
Gardiner, George/Eleanor	\$188,140.00	Smith, Curtis/Judy	\$1,200.00
Gensel, Gordon/Robin	\$45,389.69	Smith, David	\$44,399.05
Giessler, Julie	\$29,153.84	Smith, Gary	\$10,000.00
Ginter, John	\$249,479.36	Smith, Lynford	\$20,300.00
Glover, Gary	\$29,929.91	Smith, Theron	\$29,640.03

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 13

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

Victim Name	Restitution	Victim Name	Restitution
Granger, Sharon	\$118,093.00	Smith, Valerie	\$6,938.71
Green, Billy	\$52,387.03	Smolinski, Bryan/Julie	\$100,000.00
Green, Lisa	\$74,600.00	Southwood Investments	\$32,000.00
Guerin, Sandra	\$140,000.00	Sowers, David	\$24,998.00
Hamilton, Eileen	\$5,000.00	Squiers, Helen	\$35,000.00
Hamilton, Mary	\$5,000.00	St. Jean, Michael	\$49,883.18
Hamilton, Roger/Terri	\$1,500.00	Staton, Dale/Carol	\$4,000.00
Happel, Mary	\$49,001.18	Sterrett, Rudaford	\$20,000.00
Happel, Preston	\$57,000.00	Swan, Marvin	\$100,000.00
Happel, Rebecca	\$44,800.00	Sysum, David & Shelly	\$339,002.33
Harns, Shirley	\$2,500.00	Sysum, Glen	\$37,301.17
Harper, Mary E.	\$4,800.00	Tacheny, Mark	\$2,500.00
Harper, Michael	\$1,556.00	Taphouse, Gary	\$35,991.53
Harrell, Ricky/Maureen	\$94,000.00	Tesseris, Sophia/Spiro	\$175,000.00
Harris, Adam	\$2,000.00	Tewes, Daniel	\$4,000.00
Harris, Clyde	\$2,000.00	Tewes, Joel/Kim	\$5,500.00
Harrison, Jeffrey	\$125,314.27	Tewes, Shelley	\$227,027.12
Harrison, Sandra	\$20,000.00	Thelen, Timothy	\$39,941.58
Hartle, Michael	\$30,782.91	Thiede, Pat	\$20,000.00

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 14

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

Victim Name	Restitution	Victim Name	Restitution
Head, David	\$50,000.00	Thiede, Debra	\$880.00
Harvey, Dale	\$97,000.00	Thiede, Pat/Debra	\$23,000.00
Helfer, William	\$10,000.00	Tone, Samuel	\$49,001.15
Hemminger, Glen	\$49,001.15	Nicholas Tostervin Revocable Living Trust	\$4,470.04
Heppard, Mark/Cheryl	\$819,997.62	Toth, Sherman	\$10,000.00
Hermon, Elizabeth	\$29,000.00	Travis, Steven TCA	\$25,000.00
Herzfeld, Jon/Susan	\$136,000.00	Tripplehorn, Alice	\$27,000.00
Highfill, Thomas/Anna	\$22,000.00	Tripplehorn, Thomas	\$27,000.00
Hildebrandt, James	\$577.93	Valenti, Margaret	\$476,990.00
Hogle, Marjorie	\$23,500.00	VanAlstine, Kenneth & Joan	\$15,000.00
Homberg, Kenneth	\$79,001.16	VanDyke, Barbara & Steven	\$69,294.67
Horn, Lois	\$43,000.00	Van Peenen, Gregory/Judith	\$24,250.00
Huff, Howard/Josephine	\$75,000.00	VanderPol, Jason/Aimee	\$2,000.00
Hufnagel, Frank	\$49,001.15	Varian, John	\$262,000.00
Hufnagel, Gale	\$56,842.00	Vojin, Mark	\$50,000.00
Hufnagel, Lawrence	\$65,339.95	Walburn, Richard	\$25,000.00
Huddelson, Teresa	\$60,000.00	Walker, Bill	\$100,000.00
Huset, Chris	\$7,500.00	Waterhouse, Robert	\$24,250.00

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 15

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

Victim Name	Restitution	Victim Name	Restitution
Huset, Jesse	\$5,208.00	Weaver, John	\$9,800.00
Hutchinson, Arthur	\$24,941.59	Wells, James	\$24,941.58
Hutchinson, Joseph	\$39,076.83	Wendling, William	\$25,104.49
Huyser, Lynn	\$35,500.00	Westex, Inc.	\$114,704.32
Jancek, Janice	\$80,000.00	Westfall, Paul	\$5,000.00
Johnson, Christina	\$6,673.39	Wharton, David/Heide	\$49,001.16
Johnson, David Revocable Living Trust	\$23,000.00	Wheeler, Ronald/Sandra	\$1,250.00
Sharon Johnson Revocable Living Trust	\$32,083.80	Wiersma, Wayne	\$212,725.68
Johnson, Eric	\$49,001.16	Williams, Daniel	\$48,500.00
Johnson, Marlin	\$5,000.00	Wilson, Brian	\$5,000.00
Johnson, William	\$70,350.30	Wilson, Frederick/Jean	\$9,000.00
Jones, Ralph	\$55,355.08	Wilson, John	\$6,000.00
Jones, Theresa	\$24,941.59	Witmer, Nelson	\$49,001.17
Jonesco Elevator	\$274,796.85	Witmer, Ralph	\$99,001.16
Kaiser, Randall	\$76,230.00	Young, Randy/Deb	\$200,000.00
Kaiser, Thomas	\$4,200.00	Zacek, George/Mary	\$23,500.00
Karges, Wayne	\$18,756.22	Zollner, Bruce	\$40,000.00
Karn, David	\$24,949.51	Zollner, Donna	\$6,898.28

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 16

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

Victim Name	Restitution	Victim Name	Restitution
Keefer, Paul & Jane	\$85,354.93	Jack/Donna Zollner Trust	\$35,000.00
Kelly, Laurie	\$290,000.00	Zollner, Steve/Janet	\$30,000.00
Kessler, Sharon	\$21,101.53	Zollner, Steve TCA	\$30,965.35
Kriess, Dennis and Sharon	\$24,941.59		
Klopfenstein, Jerry	\$49,001.17		
Kohlenberger, Charles	\$182,100.00		
Komosinski, Delrose	\$22,699.53		
Kreft, Matthew	\$500.00		
Landsness, Chris	\$2,500.00		
Larsen, Ryan	\$3,000.00		

- ☐ Restitution amount ordered pursuant to plea agreement: \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options in the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The Court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the fine.
 - ☒ the interest requirement is waived for the restitution.
 - ☐ the interest requirement for the fine is modified as follows:
 - ☐ the interest requirement for the restitution is modified as follows:

AO 245B (Rev. 09/08)- Judgment in a Criminal Case

Judgment – Page 17

Defendant: JAY VERNON MERKLE

Case Number: 1:08-CR-242-02

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of **\$300.00** due immediately, balance due
☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F, below; or
- B ☐ Payment to begin immediately (may be combined with C, D, or F, below.)
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$_____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment, or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$_____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30, 60 or 90 days) after release from imprisonment to a term of supervision;
- E ☐ Payment during term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at the time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The restitution is to be paid in monthly installments of \$50.00 during the period of incarceration, to commence 60 days after the date of this judgment. Any balance due upon commencement of supervision shall be paid, during the term of supervision, in minimum monthly installments of \$1,000.00 to commence 60 days after release from imprisonment. The defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to any outstanding court-ordered financial obligations.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court, 399 Federal Building, 110 Michigan N.W., Grand Rapids, MI 49503, unless otherwise directed by the court, the probation officer, or the United States Attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

Eric Riley Merkle, 1:08-CR-242-01, and Charles Richard Coppess, 1:08-CR-242-03.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.